

OUR REF: MCUC 4120/2011 (455211)

18 May 2015

G & B Plumbing
PO Box 1316
MOSSMAN QLD 4873

Dear Sir/Madam

**CHANGED DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR
THOMAS STREET, MOSSMAN**

With reference to the request for a permissible change to the development approval for the abovementioned Development Application, which was determined under Instrument of Delegation on 18 May 2015, please find attached the relevant Changed Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Susanna Andrews of Development and Environment on telephone number 07 4099 9456.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

G & B Plumbing
PO Box 1316
MOSSMAN QLD 4873

ADDRESS

Thomas Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 33 on SP202302

PROPOSAL

Request for a permissible change to a development approval (additions to existing carport)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Changed Decision Notice dated 18 May 2015 replaces the Decision Notice dated 14 March 2011.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

A. APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan prepared by Greg Skyring Design and Drafting Pty Ltd	Plan Number 308-10 1 of 4 Rev B	12/02/15
Floor Plan prepared by Greg Skyring Design and Drafting Pty Ltd	Plan Number 308-10 2 of 4 Rev B	12/02/15
Elevations Sheet 1 prepared by Greg Skyring Design and Drafting Pty Ltd	Plan Number 308-10 3 of 4 Rev B	12/02/15
Elevations Sheet 2 prepared by Greg Skyring Design and Drafting Pty Ltd	Plan Number 308-10 4 of 4 Rev B	12/02/15

B. All conditions contained in Council's development permit MCUC 4120/2011 (previously 8/7/2189) dated 14 March 2011 remain applicable, with the addition of the following conditions:

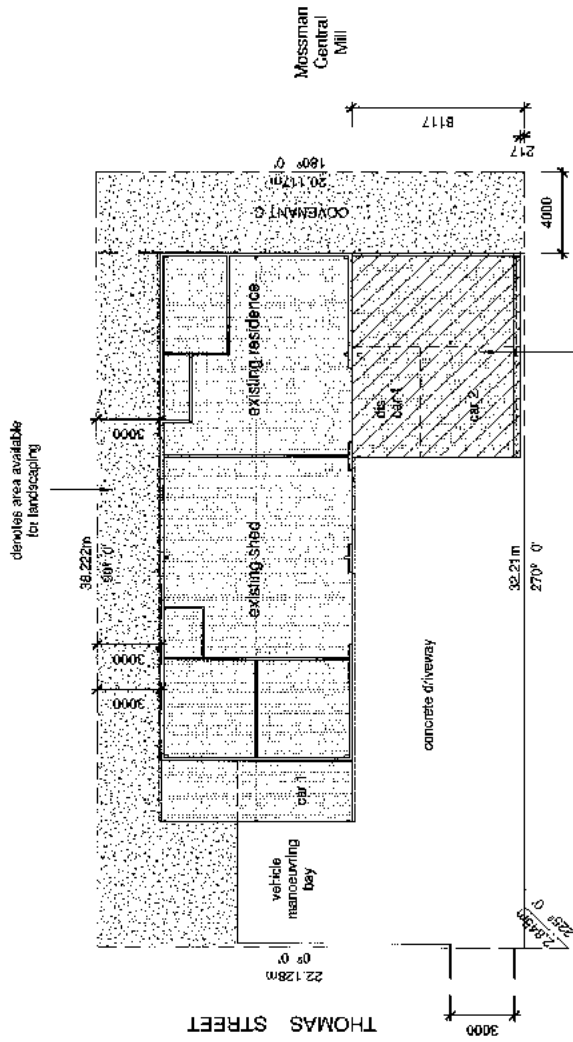
1. The wall on the common boundary is to be block construction and finished in low-maintenance bagged, rendered or painted materials.
2. The carport is to be used for the parking of vehicles only and is not to be used for industrial purposes.
3. The carport is not to be enclosed to its front or rear elevations.

RIGHTS OF APPEAL

Attached

End of Decision Notice

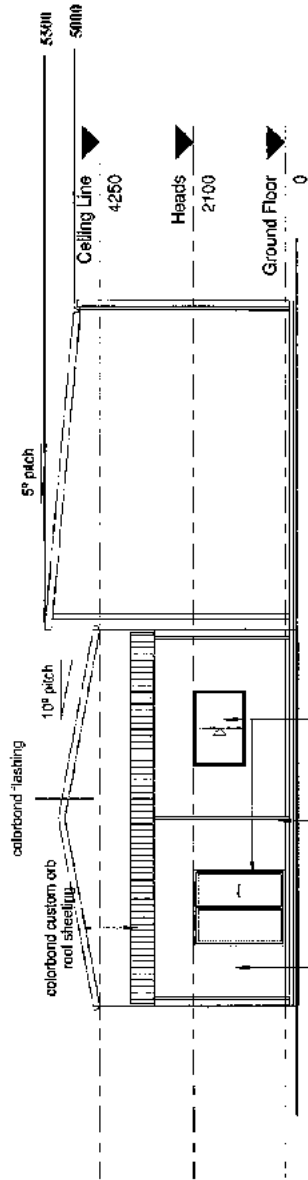
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



1 Site Plan
1 : 200

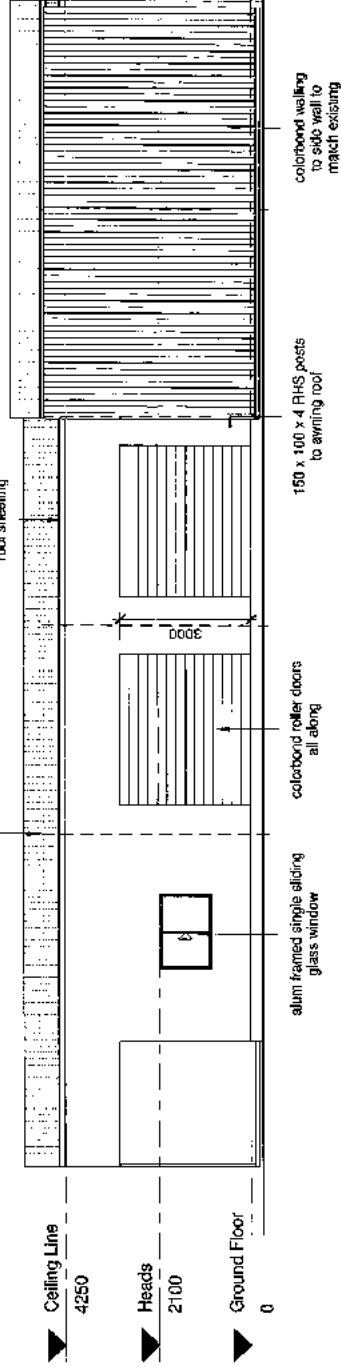
vehicle parking and circulation
complies with AS 2890.1

GREG SKYRINK <i>Design</i> and DRAFTING Pty. Ltd. Lic Under QBSA Act 1991 - No 1440371 11 Noll Close, Mossman Q. 4873 Phone/Fax: 071 4052061 Mobile: 0419212652 Email: gskyrink@gregskyrink.com.au	PROJECT Proposed Shed and Caretakers Residence, L33 SP 202302, Thomas Street, MOSSMAN	CLIENT A. & D. Jack	WIND CLASS C2	PLAN NUMBER 308-10	SHEET 1 of 4
	SCALES 1 : 200	PLAN TITLE Site Plan	DATE OF ISSUE 12.02.15	REV B	



1 Front Elevation

1 : 100



2 Right Elevation

1 : 100

GREG SKYRING
Design and DRAFTING Pty. Ltd.
Lic. Under: OASWA Act 1991 - No. 1640371
11 Hoff Close,
Mossman Q., 4873
Phone/Fax: (07) 46082061
Mobile: 04 9212652
Email: skyringdesign@vberworld.net.au

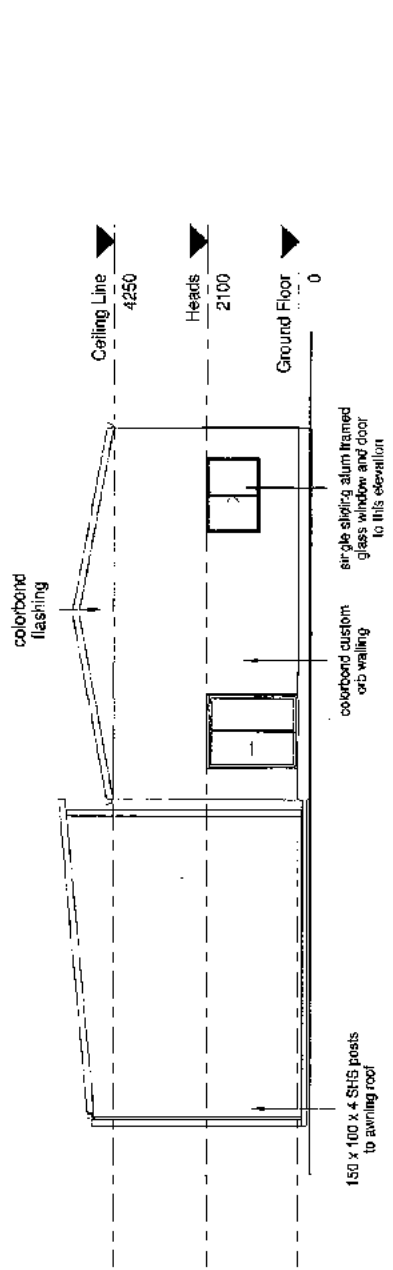
PROJECT
Proposed Shed and Caretakers Residence,
L33 SP 202302,
Thomas Street,
MOSSMAN

CLIENT
A. & D. Jack

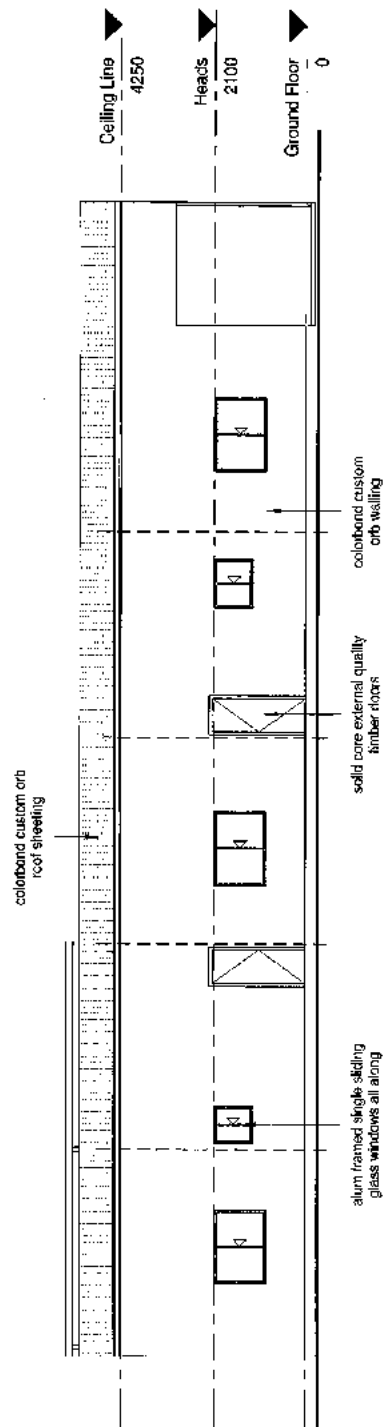
SCALE
1 : 100

WIND CLASS	PLAN NUMBER	SHEET
C2	308-10	3 of 4
DATE OF ISSUE	REV	
12.02.15	B	

PLAN TITLE
Elevations - Sheet 1



1 Rear Elevation
1 : 100



2 Left Elevation
1 : 100

GREG SKYRINK <i>Design and DRAFTING</i> Pty. Ltd. Lic. Under QBSSA Act 1991 No 1046371 11 Moll Close, Moosman Q. 4873 Phone/Fax: (07) 46382081 Mobile: 0414 18353 Email: skyrinkdesign@optusnet.com.au	CLIENT A. & D. Jack	PROJECT Proposed Shed and Caretakers Residence, L33 SP 202302, Thomas Street, MOSSMAN	WIND CLASS C2	PLAN NUMBER 308-10	SHEET 4 of 4
	SCALES 1 : 100	PLAN TITLE Elevations - Sheet 2	DATE OF ISSUE 12.02.15	REV B	

APPENDIX 2: ORIGINAL DEVELOPMENT PERMIT

ENQUIRIES: Mrs Jenny Elphinstone
PHONE: (07) 4099 9482
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/7/2189 (3094039)

18 May 2015

A & D Jack
C/- PO Box 831
PORT DOUGLAS QLD 4877

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR THOMAS STREET MOSSMAN**

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined under Instrument of Delegation on 14 March 2011.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment Team on telephone number (07) 4099 9482.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

APPLICANT DETAILS

A & D Jack
C/- PO Box 831
PORT DOUGLAS QLD 4877

ADDRESS

Thomas Street Mossman

REAL PROPERTY DESCRIPTION

Lot 33 on SP202302

PROPOSAL

Industry Class A & Caretaker's Residence

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

14 March 2011

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:

Drawing or Document	Reference	Date
Site Plan	Greg Skyring Design & Drafting Drawing: Plan No 308-10, Sheet 1 of 4	As submitted to Council 31 January 2011
Floor Plan	Greg Skyring Design & Drafting Drawing: Plan No 308-10, Sheet 2 of 4	As submitted to Council 31 January 2011
Elevations - Sheet 1	Greg Skyring Design & Drafting Drawing: Plan No 308-10, Sheet 3 of 4	As submitted to Council 31 January 2011
Elevations – Sheet 2	Greg Skyring Design & Drafting Drawing: Plan No 308-10, Sheet 4 of 4	As submitted to Council 31 January 2011

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:

- a. Provide a fenced recreation area for the caretaker's residence that separates the recreation area from other uses on the site whilst providing privacy to the caretaker's component (NB the recreation area should be comprised of at least 35m² area and have a minimum dimension of 3m). The recreation area may physically include that part of the land affected by the Covenant however the calculation for the minimum area must not include any of the covenant area; and
- b. Demonstrate compliance for vehicle parking and manoeuvring, by use of turning template / swept path diagram, with AS 2890.2 – off-street parking for commercial facilities, utilising an MRV (Medium Rigid Vehicle) as design vehicle.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Air-Conditioning Screens

4. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Water Supply Contributions

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$1,485.59 (0.33 EDUs).

Payment is required prior to issue of a Development Permit for Building Work.

Wastewater Contributions

6. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$2,700.62 (0.33 EDUs).

Payment is required prior to issue of a Development Permit for Building Work.

Water Supply Works External

7. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:
 - a. Extend Council's water infrastructure such that the site can be provided with a standard water service connection at the lot frontage. The Developer must either install a 100dia road crossing or install a rider main between two existing road crossings or a combination of the two;

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Water Supply and Sewerage Works Internal

8. Undertake the following water supply and sewerage works internal to the subject land:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures; and
 - b. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Damage to Infrastructure

9. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use.

Water Saving

10. All toilet devices, showers and hand basins in the development must comply with the Queensland Development Code.

Refuse Storage

11. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Water & Waste.

Vehicle Parking

12. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of three spaces of which one space must be provided as visitor spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas from Parking

13. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Lighting

14. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

External Works

15. Undertake the following works external to the land at no cost to Council:
 - a. Construct full-width bitumen widening to the Thomas Street frontage;
 - b. Provision of a commercial grade concrete crossover in accordance with FNQROC Development Manual Standard Drawing 1015 (Refer to Appendix 2).

- c. Make good the kerb(s) at redundant crossover(s);
- d. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

Stockpiling and Transportation of Fill Material

- 16. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
- 17. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

- 18. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Landscaping Plan

- 19. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas;
 - b. Planting of the footpath with trees, using appropriate species with regard to any site constraints and overhead powerlines;

- c. Plantings to give protection to western walls; and
- d. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

20. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

21. All floor levels in all buildings must be located 100 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Sediment and Erosion Control

22. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act* 1994, and the FNQROC Development Manual).

Street Fencing

23. Any proposed fences and/or walls to any road frontage are to be limited to the following:
 - a. 1.2 metres in height if solid; or
 - b. 1.5 metres in height if at least 25% visually transparent; or
 - c. 1.8 metres in height if at least 50% visually transparent.

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Liquid Waste Disposal

24. Where the use requires a trade waste discharge such discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to commencement of use.

Details of Development Signage

25. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Advertising Signage

26. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Crime Prevention Through Environmental Design

27. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).
28. Noise from air-conditioning units or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice